

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KAREN M. WERMERS, )  
Plaintiff, ) 8:06cv540  
vs. ) ORDER to SHOW CAUSE  
UNITED STATES OF AMERICA ) (Service of Process)  
HOMELAND SECURITY BOARD, )  
et al., )  
Defendants. )

This matter is before the court sua sponte. Fed. R. Civ. P. 4(m) establishes the following time limit for service of process on the defendant(s) in a civil case:

(m) Time Limit for Service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

On August 11, 2005, the Clerk of Court issued summons forms to the plaintiff for service of process on the defendants. The deadline for service of process has expired, and the court's records show no proof of service of process on any defendant.

THEREFORE, IT IS ORDERED:

1. That by December 29, 2006, the plaintiff may file a Response to Order to Show Cause in an effort to explain why the above-entitled case should not be dismissed without prejudice for failure to obtain timely service of process on any defendant; and

2. That in the absence of timely and sufficient cause shown by the deadline stated above, this case may be subject without further notice to dismissal without prejudice pursuant to Fed. R. Civ. P. 4(m).

DATED this 18<sup>th</sup> day of December, 2006.

BY THE COURT:

s/Joseph F. Bataillon  
JOSEPH F. BATAILLON  
Chief District Judge